

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

EDWARD MILLER,	:	CIVIL ACTION NO. 1:12-CV-00520
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
EUGENE BERDANIER, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 3rd day of July, 2012, upon consideration of plaintiff's motion for appointment of counsel (Doc. 27), and it appearing from the complaint (Doc. 1) and subsequent filings (see Docs. 14, 26, 29) that plaintiff is capable of properly and forcefully prosecuting his claims with adequate factual investigation and appropriate citations to governing authority, and that resolution of the facial merit of plaintiff's claims neither implicates complex legal or factual issues nor requires factual investigation or the testimony of expert witnesses, see Montgomery v. Pinchak, 294 F.3d 492, 499 (3d Cir. 2002); Tabron v. Grace, 6 F.3d 147, 155-57 (3d Cir. 1993) (listing factors relevant to a request for counsel),¹ and it appearing that plaintiff is not incompetent under Federal Rule of Civil Procedure 17(c)(2), see Powell v. Symons, 680 F.3d 301 (3d Cir. 2012), it is hereby ORDERED that the

¹ In a non-precedential decision, a panel of the United States Court of Appeals for the Third Circuit indicated that the district court should also consider its willingness to aid the indigent party in presenting his or her case in the courtroom and the availability of attorneys willing to take § 1915(e) appointments. Gordon v. Gonzalez, 232 F. App'x 153, 156 n.4 (3d Cir. 2007).

motion (Doc. 27) is DENIED. If further proceedings demonstrate the need for counsel, the matter will be reconsidered either sua sponte or upon motion of plaintiff. See id.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge